

Dear Mr. Davis,

I write to state my opposition to proposed changes to MCR 6.302 and MCR 6.310. I preface these brief comments with the fact that I have practiced criminal law for 25 years, approximately 10 years as a prosecutor and the remaining years to defense of these matters. My comments are as follows:

1. Criminal defense attorneys will find it nearly impossible to advise their clients of the possible outcome of any relevant plea agreement because there will be no firm resolution of the matter at pleas when the ultimate resolution is unknowable. Trials and caseloads will rise, dockets will crowd, and the newly-enacted timing 'guidelines' for disposal of cases will be negatively affected.
2. I believe the proposed changes put the court in the position of asserting a greater knowledge of the case than either of the two parties, which defies common sense. The opposing parties will have put dozens, if not hundreds, of combined man-hours and effort into a case while a court will merely call it as part of a daily calendar and most likely will only have looked at the PSIR for a few minutes and nothing more. The basis of knowledge and the bias of that lens are not a proper basis to override the parties' understanding of their matters. To use a sports analogy, the players and coaches make the critical plays and strategy decisions in a game, the court is the 'umpire' and should fairly and accurately call balls and strikes, not manage the teams they are called to serve.
3. It is a violation of the separation of powers, and particularly overrides discretionary decisions held by the executive branch of government.

Thank you for your time and consideration.

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